IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.698 (M/B) of 2003

M/s Whale Stationary Products Ltd. through
General manager, 60 Mohabewala, Dehradun
..... **Petitioner**

Vs

1. EPF Appellate Tribunal, 60 Skylark Building, 7th Floor, Nehru Place, New Delhi
2. The Regional Provident Fund Commissioner, Niranjanpur, Saharanpur Road, P.O. Majra, Dehradun
3. The Assistant Provident Fund Commissioner, Niranjanpur, Saharanpur Road, P.O. Majra, Dehradun

.....Respondents

Sri Vipul Sharma holing brief of Sri Rakesh Thapliyal, ld. counsel for the petitioner
Mr. Ashok Agarwal, learned counsel for the Respondent No.2

Dated: August 25, 2006

Coram: Hon'ble P.C.Verma,J.

Hon'ble B.S. Verma,J.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the orders of Respondent No.3 attaching the bank account of the petitioner, even when the stay application and appeal is pending before Respondent No. 1.

The appeal of the petitioner is pending before the E.P.F. Appellate Tribunal relating to the disputed question of recovery where the stay application is also pending. For this relief, the petitioner can press his application before the E.P.F. Appellate Tribunal.

Since the appeal is pending before the E.P.F. Appellate Tribunal, therefore it will be decided on merit. Hence we dismiss the writ petition as not maintainable. No order as to costs.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang